

Message

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**From:** Gude, Karen [Gude.Karen@epa.gov]  
**Sent:** 6/29/2020 3:32:58 PM  
**To:** Chemerys, Ruth [Chemerys.Ruth@epa.gov]  
**CC:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Subject:** RE: Draft response to Region 10 RTOC for review

Thanks, Ruth. Will do.

Karen

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**From:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Sent:** Monday, June 29, 2020 11:24 AM  
**To:** Gude, Karen <Gude.Karen@epa.gov>  
**Cc:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Hi Karen-

Kathy and I discussed and looks fine – just make the contacts both Kathy and me (I added below)

Ruth

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**From:** Gude, Karen <Gude.Karen@epa.gov>  
**Sent:** Monday, June 29, 2020 9:46 AM  
**To:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Cc:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Hi Ruth,

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)** My recommendation would be to respond with the following. If we get additional questions, we can address those at that time.

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

Karen Gude  
Tribal Program Coordinator  
U.S. EPA/Office of Water  
Phone: (202) 564-0831

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**From:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Sent:** Friday, June 26, 2020 4:01 PM  
**To:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Cc:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Thanks Karen – good idea!

Have a good weekend!

-Ruth

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**From:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Sent:** Friday, June 26, 2020 3:49 PM  
**To:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Cc:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Subject:** Re: Draft response to Region 10 RTOC for review

Thanks, Ruth and Simma. If we used the language, I'd like to touch base with OITA on it, which I could do Monday AM.

Sent from my iPhone

On Jun 26, 2020, at 3:22 PM, Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)> wrote:

Thanks Simma. Karen and Mindy: should we add something from Simma's email to the response –

**Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

Here it is as currently drafted:

## Ex. 5 Deliberative Process (DP)

**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Friday, June 26, 2020 2:56 PM  
**To:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Cc:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** Re: Draft response to Region 10 RTOC for review

Thanks, all, and I apologize for the delay in following up

Ex. 5 AC/DP

## Ex. 5 AC/DP

Simma

On Jun 24, 2020, at 10:18 AM, Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)> wrote:

Deliberative –

## Ex. 5 Deliberative Process (DP)

- Kathy

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Sent:** Wednesday, June 24, 2020 9:16 AM

**To:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>;

Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Chemerys, Ruth

<[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** RE: Draft response to Region 10 RTOC for review

If Alexis and others agree,

**Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

Simma Kupchan

EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Sent:** Wednesday, June 24, 2020 8:33 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Simma, Thank you.

All, **Ex. 5 Deliberative Process (DP)**  
**Ex. 5 Deliberative Process (DP)** can send the note below with the additional edit to R10 staff to distribute to the R10 tribes. Please let me know which contact should be listed for additional question on the FRN.

Thank you,

Karen Gude  
Tribal Program Coordinator  
U.S. EPA/Office of Water  
Phone: (202) 564-0831

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Wednesday, June 24, 2020 8:20 AM  
**To:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Subject:** RE: Draft response to Region 10 RTOC for review

**Ex. 5 AC/DP**

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Sent:** Wednesday, June 24, 2020 8:07 AM

**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Kathy,

Thank you for clarifying this: **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Karen

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Tuesday, June 23, 2020 4:25 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Cc:** Gude, Karen <Gude.Karen@epa.gov>  
**Subject:** RE: Draft response to Region 10 RTOC for review

## Ex. 5 Deliberative Process (DP)

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Tuesday, June 23, 2020 4:22 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>  
**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Subject:** RE: Draft response to Region 10 RTOC for review

This seems fine to me. Thanks.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Sent:** Tuesday, June 23, 2020 3:55 PM  
**To:** Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Subject:** RE: Draft response to Region 10 RTOC for review

In the last paragraph, **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Other than that, it seems fine to me and is this something Karen would normally send?

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Sent:** Tuesday, June 23, 2020 2:28 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Subject:** RE: Draft response to Region 10 RTOC for review

Mindy et al -

Just following up to see if you'd had a chance to review the draft response and have any comments? Also, what are your thoughts on who should send the response?

Thanks!

Ruth

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**From:** Chemerys, Ruth  
**Sent:** Friday, June 19, 2020 3:09 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Subject:** Draft response to Region 10 RTOC for review

Mindy, Alexis and Simma:

Per discussion with Karen, Kathy and Mike, below is a draft response to the issue raised by the **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Thanks to Karen for helping to draft the response. We don't know who would send the response, so left that for your decision.

In the interest of time, I'm asking Alexis and Simma to review concurrently with Mindy, and share with your management as appropriate. Let us know if you have any comments. (I know Alexis and Simma are out today, so hopefully they can review on Monday)

Thanks!  
Ruth & Kathy

*Dear Region 10 RTOC members,*

## **Ex. 5 Deliberative Process (DP)**

*Ruth Chemerys*  
EPA Office of Water  
Office of Wetlands, Oceans & Watersheds  
1200 Pennsylvania Ave. NW, 4503-T  
Phone: 202-566-1216  
Fax: 202-566-1437